IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34091 of 2006(H)

AGAINST THE ORDER IN EP.NO.560/2002 IN
OS.1587/1999 of MUNSIFF COURT,CHAVAKKAD

.....

PETITIONER:

SIDHI, S/O.PENATH KUNJAMU,
PERUMPULLY CHAVAKKAD DESOM,
CHAVAKKAD AMSOM, CHAVAKKAD TALUK,
THRISSUR.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS:

CHOWALLURPADI KURIES AND LOANS (P) LTD.,
THAIKAD, REP. BY ITS MANAGING DIRECTOR.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.34091 OF 2006

Dated 21st December 2006

JUDGMENT

Petitioner is second judgment debtor in O.S.1587/99 on the file of Munsiff court, Chavakkad. He is challenging Ext.P2 order dated 18/8/06 passed by the executing court. Decree was passed against four judgment debtors. As per Ext.P2 order executing court found that there is no evidence to prove sufficient means of judgment debtors 1, 3 and 4 and they cannot be arrested. Execution petition as against them was dismissed. As against petitioner/second respondent court passed the following order.

> "Second respondent regularly paid the decree amount. Hence, R2 is directed to pay the substantial decree amount."

This petition is filed under Article 227 of Constitution of India challenging that order. When execution petition is filed, executing court is competent entitled to direct judgment debtor to pay decree debt. Under Ext.P2 order no order of arrest was

passed. Ext.P2 order does not show that his plea of no means was considered or negatived. I do not find any reason to interfere with Ext.P2 order as it is perfectly legal and regular.

Writ petition is dismissed.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.